

Senate Bill No. 165

Passed the Senate August 27, 2007

Secretary of the Senate

Passed the Assembly June 28, 2007

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2007, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 654.3 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

SB 165, Ashburn. Juvenile crime: programs of supervision.

Existing law excludes from eligibility for specified programs of supervision conducted within the jurisdiction of the juvenile court a minor who is alleged to have committed any specified offense, including, among others, certain violent crimes, the sale or possession of a controlled substance, and participation in a criminal street gang, or who has previously been adjudged a ward of the court or participated in a program of supervision, as specified. A minor who is alleged to have committed a felony offense when the minor was at least 14 years of age is also ineligible for these programs of supervision.

This bill would specify that these provisions shall not otherwise limit the ability of the court to order a minor who is under 14 years of age to participate in a program of supervision, if the court finds that the order would be in the best interests of the minor and in conformity with the interests of public safety. The bill would limit the exclusion for participation in a criminal street gang to felony violations if the minor is under 14 years of age, thereby permitting a minor under 14 years of age who committed a misdemeanor violation of that offense to be eligible for these programs of supervision.

The people of the State of California do enact as follows:

SECTION 1. Section 654.3 of the Welfare and Institutions Code is amended to read:

654.3. (a) No minor shall be eligible for the program of supervision set forth in Section 654 or 654.2 in the following cases, except in an unusual case where the interests of justice would best be served and the court specifies on the record the reasons for its decision:

(1) A petition alleges that the minor has violated an offense listed in subdivision (b) of Section 707.

(2) A petition alleges that the minor has sold or possessed for sale a controlled substance as defined in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

(3) A petition alleges that the minor has violated Section 11350 or 11377 of the Health and Safety Code where the violation takes place at a public or private elementary, vocational, junior high school, or high school, or a violation of Section 245.5, 626.9, or 626.10 of the Penal Code.

(4) A petition alleges that the minor has violated Section 186.22 of the Penal Code, unless the violation is a misdemeanor and the minor is under 14 years of age.

(5) The minor has previously participated in a program of supervision pursuant to Section 654.

(6) The minor has previously been adjudged a ward of the court pursuant to Section 602.

(7) A petition alleges that the minor has violated an offense in which the restitution owed to the victim exceeds one thousand dollars (\$1,000). For purposes of this subdivision, the definition of “victim” in paragraph (1) of subdivision (a) of Section 730.6 and “restitution” in subdivision (h) of Section 730.6 shall apply.

(8) The minor is alleged to have committed a felony offense when the minor was at least 14 years of age. Except in unusual cases where the court determines the interest of justice would best be served by a proceeding pursuant to Section 654 or 654.2, a petition alleging that a minor who is 14 years of age or over has committed a felony offense shall proceed under Article 20.5 (commencing with Section 790) or Article 17 (commencing with Section 675).

(b) This section shall not otherwise limit the ability of the court to order a minor who is under 14 years of age to participate in a program of supervision as set forth in Section 654 or 654.2, if the court finds that the order would be in the best interests of the minor and in conformity with the interests of public safety.

Approved _____, 2007

Governor